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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Noel **González Segura** (Mexico)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 22nd, 24th and 25th meetings, on 13, 19 and 23 December 2011. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/66/SR.22, 24 and 25).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other

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Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2012-2013 (A/66/368 and Corr.1);

(b) Report of the Secretary-General on the second performance report of the International Criminal Tribunal for Rwanda for the biennium 2010-2011 (A/66/557 and Corr.1);

(c) Report of the Secretary-General on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013 (A/66/537 and Corr.1);

(d) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/66/600);

(e) Report of the Secretary-General on the revised estimates for the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals: effect of changes in rates of exchange and inflation (A/66/605);

(f) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/66/7/Add.22).

II. Consideration of draft resolution A/C.5/66/L.11

4. At its 25th meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/66/L.11), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Norway.

5. At the same meeting, the Committee adopted draft resolution A/C.5/66/L.11 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

I
Second performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2010-2011

Having considered the second performance report of the Secretary-General on the budget, for the biennium 2010-2011, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 64/239 of 24 December 2009 and 65/252 of 24 December 2010,

1. *Takes note* of the second performance report of the Secretary-General on the budget, for the biennium 2010-2011, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Endorses* the conclusions and recommendations contained in section III.B of the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. *Resolves* that, for the biennium 2010-2011, the amount of 257,804,100 United States dollars gross (235,327,400 dollars net) approved in its resolution 65/252 for the financing of the International Criminal Tribunal for Rwanda shall be adjusted by the amount of 722,600 dollars gross (1,635,600 dollars net), for a total amount of 257,081,500 dollars gross (233,691,800 dollars net);

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[1] A/66/557 and Corr.1.

[2] See A/66/600.

II
Budget of the International Criminal Tribunal for Rwanda for the biennium 2012-2013

Having considered the reports of the Secretary-General on the financing of the International Criminal Tribunal for Rwanda for the biennium 2012-2013[3] and on the revised estimates arising from changes in rates of exchange and inflation,[4]

Having also considered the related reports of the Advisory Committee on Administrative and Budgetary Questions,[5]

1. *Takes note* of the reports of the Secretary-General on the financing of the International Criminal Tribunal for Rwanda for the biennium 2012-2013[3] and on the revised estimates arising from the effects of changes in rates of exchange and inflation;[4]

2. *Notes with appreciation* the support of the Government of the United Republic of Tanzania to the work of the Tribunal;

3. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions,[5] subject to the provisions of the present resolution;

4. *Recognizes* the critical importance of retaining highly skilled and experienced staff members with relevant institutional memory in order to successfully complete the trials and meet the targets set out in the completion strategy of the Tribunal;

5. *Commends* the Secretary-General for innovative solutions in applying the Staff Regulations and Rules of the United Nations for staff retention purposes;

6. *Reaffirms* paragraph 5 of its resolution 63/256 of 24 December 2008 and paragraph 6 of section II of its resolution 64/239 of 24 December 2009, and requests the Secretary-General to utilize his existing authority under the existing contractual framework to offer contracts to staff, taking into account the needs of the Tribunal;

7. *Requests* the Secretary-General to continue to provide guidance to the Tribunals on all matters related to the recruitment and administration of human resources;

8. *Encourages* the Secretary-General to exercise due diligence in applying staff rule 12.3 on exceptions to the Staff Rules in the context of the decisions on retention of the staff members in the Tribunal, and requests the Secretary-General to ensure that exceptions granted to the Tribunal based on the existing legislative framework shall not constitute a precedent for other United Nations entities;

9. *Decides* to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 171,623,100 dollars gross

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[3] A/66/368 and Corr.1.

[4] See A/66/605.

[5] See A/66/600 and A/66/7/Add.22.

(159,535,800 dollars net) for the biennium 2012-2013, as detailed in the annex to the present resolution;

10. *Also decides* that the total assessment for 2012 under the Special Account, amounting to 85,088,950 dollars, shall consist of:

(a) 85,811,550 dollars, being half of the estimated appropriation approved for the biennium 2012-2013;

(b) 722,600 dollars, being the decrease in the final appropriation for the biennium 2010-2011 approved by the General Assembly in paragraph 3 of section I above;

11. *Further decides* to apportion the amount of 42,544,475 dollars gross (39,066,150 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2012;

12. *Decides* to apportion the amount of 42,544,475 dollars gross (39,066,150 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2012;

13. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 6,956,650 dollars approved for the International Criminal Tribunal for Rwanda for 2012.

Annex

Financing for the biennium 2012-2013 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	United States dollars	
Estimated appropriation for the biennium 2012-2013	183 324 900	166 527 700
Revised estimates: effects of changes in rates of exchange and inflation	(1 547 800)	2 794 300
Recommendations of the Advisory Committee on Administrative and Budgetary Questions		
Recommendations of the Fifth Committee	(10 154 000)	(9 786 200)
Estimated initial appropriation for the biennium 2012-2013	171 623 100	159 535 800
Total assessment for 2012	**85 088 950**	**78 132 300**
Comprising:		
(a) Requirements representing half of the estimated appropriation for the biennium 2012-2013	85 811 550	79 767 900
(b) Requirements arising from the final appropriation for the biennium 2010-2011	(722 600)	(1 635 600)
Of which:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2012	42 544 475	39 066 150
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2012	42 544 475	39 066 150